

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Summary record of the 14th session of Committee I

23 March 2010: 14h15 - 16h35

Chairman: J. Donaldson (South Africa)
Secretariat: D. Morgan
R. Bolješić
Rapporteurs: J. Gray
T. Inskipp
C. Lippai
A. Mathur

68. Proposals to amend Appendices I and II (continuation)

The Chair asked Spain, on behalf of the European Union and its Member States and co-proponent Palau, to introduce proposal CoP15 Prop. 17 to include the porbeagle (*Lamna nasus*) in Appendix II. In so doing, they drew attention to their certainty that the species fully qualified for Appendix II, mentioning among other points its inherent vulnerability to over-exploitation, declines of over 90 % from baseline levels in the most affected stocks, and that entry into effect of any listing would be delayed by 18 months.

New Zealand, echoed by Australia, Canada, Egypt, the United States of America, the Food and Agriculture Organization of the United Nations (FAO) and the Pew Environment Group, supported the proposal on grounds of biological criteria. New Zealand drew attention in particular to new stock assessments, the evidence from which had been so compelling to FAO's Ad Hoc Expert Committee that it now supported the listing of the porbeagle in Appendix II, in contrast to the situation at CoP14.

New Zealand further stated that regional fisheries management organizations (RFMOs) lacked resources and had not been successful in managing sharks. This view was seconded by Canada, Egypt and FAO. The United States stressed that CITES could complement RFMO activities.

Responding to claims that identification of porbeagle parts and derivatives in trade would be too difficult, New Zealand, seconded by the Pew Environment Group, commented that these were not more difficult to differentiate than parts and derivatives of other species. Moreover, relevant identification guides were being developed, molecular identification techniques were available and the 18-month delay in implementation would assist Parties in resolving technical and administrative issues related to identification challenges. New Zealand continued that the findings of the International Expert Workshop on CITES Non-Detriment Findings, held in 2008, did not support arguments that non-detriment findings (NDFs) would not be possible for the porbeagle. In closing, New Zealand pointed out that CITES was equipped to address marine conservation issues and that, if the species were not protected, it would become extinct. The Pew Environment Group, speaking also on behalf of the Shark Alliance, echoed the view that CITES was the appropriate competent body to regulate trade in commercial marine species and drew attention to the number of such species already listed under the Convention.

Additionally, Canada believed an Appendix-II listing would assist international efforts to conserve the species by providing data on management and harvesting, and Egypt noted that the porbeagle played an important ecological role, but noted that capacity building would be required to assist developing countries. FAO stated that the issue of introduction from the sea of porbeagle under CITES would arise only in the

case of high sea long-line fleets, which sometimes caught the species as bycatch. The Libyan Arab Jamahiriya informed Parties that consuming shark fin could lead to Alzheimer's disease which could be inherited by future generations. The United States reminded Parties that an Appendix-II listing did not constitute a ban on trade in the species.

China thought that identification of products in trade would be difficult and that DNA-testing was not practical for day-to-day identification by law enforcement officials. China and Iceland noted that the European Union was the main fishing entity for the porbeagle and so queried the relevance of an Appendix-II listing, since any take from its waters and subsequent intra-Union trade would be outside the purview of CITES. China praised the porbeagle management by Canada and the United States, and encouraged other Parties to emulate these exemplary cases. Similarly, Iceland considered RFMOs to be the legally competent bodies to regulate porbeagle fisheries and wished to see the outcome of the European Union shark action plan. Believing CITES to be the wrong mechanism for addressing conservation of the species, China and Iceland opposed the proposal.

Cambodia could not accept the proposal as they believed they would be unable to make NDFs for the species, owing to insufficient resources, and thus be unable to export any specimens under the terms of the Convention. This would affect livelihoods of fishermen in Cambodia.

Croatia requested clarification from members of the International Commission for the Conservation of Atlantic Tunas on management in force for the porbeagle, but the Chair noted that this question had largely been addressed in the previous session.

IWMC World Conservation Trust did not support the proposal owing to lack of clarity over various surrounding issues, including implementation. As such, they suggested using the 18-month period specified in the proposal for a working group to consider these issues further and report at CoP16.

Spain, on behalf of the European Union and its Member States, asked an expert on the porbeagle to respond to comments made during the discussion. Regarding identification of products in trade, the expert said that sharks were generally landed complete, and as such were readily recognizable, while meat, the main product traded, did not pose a significant identification problem as porbeagles were found only in temperate waters and very few countries exported them. Regarding NDFs, he reiterated the results of the NDF workshop accepted by Committee I. He further clarified that RFMOs had not set catch limits for sharks and that poor reporting was a problem. Regarding assistance with implementation for developing countries, he said that the European Union stood ready to assist with shark management and reminded Parties of the Memorandum of Understanding on migratory sharks of the Convention on the Conservation of Migratory Species of Wild Animals.

Spain, on behalf of the European Union and its Member States, clarified that, as the European Union had placed a ban on the fishing of the porbeagle in its waters, any consumption within the European Union would be of imported specimens, that they wished to be from stocks certified as sustainable and that this was why they had proposed the Appendix-II listing.

Spain, on behalf of the European Union and its Member States, requested a vote on the proposal. Grenada requested this be by secret ballot and there were more than 10 Parties in favour of this. The result was 86 votes in favour, 42 against and eight abstentions, and the proposal was therefore accepted.

Denmark noted that they had voted in favour of document CoP15 Prop. 17 and would be entering into a formal territorial agreement with Greenland as they had not supported the proposal. Greenland made a statement and opined that they considered the Convention was not the appropriate body to deal with sharks and fish species. They announced they would be entering a reservation if the proposal were to be formally adopted.

Argentina requested that its declaration relating to the sovereignty of the "Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas" and to proposal CoP15 Prop. 17, as well as to any other documents at the meeting, be reflected in the summary record of the meeting. It read as follows:

The Argentine Republic recalls that the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a dispute concerning sovereignty between the two countries expressly recognized by various international fora and organizations.

In this context, the General Assembly of the United Nations has adopted Resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a dispute concerning sovereignty in relation to the 'Issue of the Malvinas Islands' and urges the Governments of the Argentine Republic and of the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to arrive at a just, peaceful and lasting solution to the controversy as soon as possible.

For its part, the Special Committee on Decolonization of the United Nations has spoken repeatedly to the same effect, most recently through the Resolution adopted on 18 June 2009. Likewise, the General Assembly of the Organization of American States adopted a new pronouncement on the Issue in similar terms, on 4 June 2009.

Consequently, the Argentine Republic rejects the references made in the documents of the 15th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to the Malvinas, South Georgia and South Sandwich Islands with a nomenclature that does not take account of the guidelines established both internationally and by the Argentine Republic.

Given the above, the Argentine Republic requests that, in all documents of the Convention on International Trade in Endangered Species of Wild Fauna and Flora that mention the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas, a reference mark with the following footnote be incorporated:

"A dispute exists between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Malvinas (Falkland), South Georgia and South Sandwich Islands and the surrounding maritime areas."

The Argentine Republic reaffirms its rights to sovereignty over the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas.

The United Kingdom made the following statement:

The United Kingdom has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands, and the surrounding maritime areas.

It is the European Union's position that the Falkland Islands, South Georgia and South Sandwich Islands and the British Antarctic Territory are Overseas Territories of the United Kingdom. The same position applies on sovereignty for South Georgia, South Sandwich Islands and the British Antarctic Territory.

The principle of self-determination, enshrined in the UN Charter, underlies our position on the Sovereignty of the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they have no wish either to lose British Sovereignty or to become independent.

Resolution 31/49 refers to a dispute over the sovereignty of the Falkland Islands. However, the United Kingdom does not recognise the existence of a dispute and voted against UN resolution 31/49 in 1976. The United Kingdom has no doubt about its sovereignty over the Falkland Islands. The 'Question of the Falkland Islands' is now dealt with annually under the UN Decolonisation Committee (C24) and we continue to co-operate informally through fulfilling our reporting responsibilities to the Committee under Article 73 of the UN Charter.

Spain, on behalf of the European Union and its Member States, introduced proposal CoP15 Prop. 18, to include *Squalus acanthias* in Appendix II in accordance with Article II 2(a) and (b). They noted that the Ad-Hoc Expert Advisory Panel of FAO had concluded that the species did not meet the listing criteria for inclusion in Appendix II. However, in their view, the criteria were met for the northeast Atlantic and the Mediterranean stocks, and were probably met for the northwest Pacific stocks. They explained that the total catch of the species in the European Union would be reduced to zero by the end of 2010 and, accordingly, the CITES listing was not necessary to protect this stock; rather, it was required so that imports to the European Union could, in future, be obtained from sustainable sources.

Argentina, supported by Chile, expressed opposition to the proposal, noting that the species was not commercially exploited in their country and that their national management measures were adequate to protect it. They maintained that southern hemisphere populations did not meet the listing criteria and that the proposal contained no new scientific proof to support listing compared with the proposal put forward at CoP14. Japan also opposed the proposal, noting that the catch of the species in their waters had remained stable for over 30 years despite no increase in fishing effort during that period. Canada spoke against the proposal, noting that recent information indicated that some stocks were increasing, and not declining. In their view, global management measures for the species were already adequate. China, the Libyan Arab Jamahiriya, New Zealand and Norway spoke against the proposal and noted, *inter alia*, the lack of scientific robustness in the proposal, the impact that listing would have on Parties in other areas, and the significant abundance of the species globally.

Croatia supported the proposal, noting that this migratory species was already included in Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals. Australia spoke in favour of the proposal, noting that the species was overexploited in many areas, particularly in the northern hemisphere. They supported listing of the southern hemisphere populations on a look-alike basis as pressures on them were likely to increase.

Spain, on behalf of the European Union and its Member States, requested that Germany respond to the comments made by the previous speakers. Germany clarified the issue relating to exports to the European Union, explaining that they should be restricted to certified sustainable sources. They reiterated the point that southern hemisphere stocks should be listed on a look-alike basis because complex patterns of export and re-export would make it difficult to distinguish between species or populations utilized for sustainable management practices. They concluded by requesting that a vote should be taken. Morocco then asked for this to be carried out by a secret ballot and more than 10 other Parties supported this.

The results were 60 in favour, 67 against and 11 abstentions. The proposal was thus rejected.

The Plurinational State of Bolivia introduced proposal CoP15 Prop. 20 regarding inclusion of *Dynastes satanas* in Appendix II, noting that the species satisfied the listing criteria in terms of Article II, paragraph 2a) of Resolution Conf. 9.24 (Rev. CoP14), Annex 2 a. They noted that recent scientific information showed that harvest of the beetle from its restricted and fragile habitat in their country for the international market was having a negative impact on the population. They mentioned that, with the global increase in insect trafficking, they had made four seizures in the past three months and that legal proceedings had been taken. They explained that an Appendix-II listing would ensure that local populations would benefit from the legal and sustainable use of the species.

Humane Society International suggested that the Animals Committee and the Plurinational State of Bolivia could work together to identify how the Convention could assist in ensuring that trade in beetles and other insects was sustainable. The Chair responded that this suggestion would require a draft decision, which would have to be proposed by a Party at a future meeting of the Conference of the Parties.

The proposal was accepted by consensus.

10. Cooperation with other organizations

10.1 Synergy with biodiversity-related international initiatives

Further to the provisional conclusion arrived at during the first session, the draft decisions on post-2010 biodiversity targets and Biodiversity Indicators Partnership in the Annex of document CoP15 Doc. 10.1 were accepted by consensus.

Approval of summary records

Summary record of the ninth session of Committee I (CoP15 Com. I Rec. 9)

This document was adopted.

Summary record of the 10th session of Committee I (CoP15 Com. I Rec. 10)

Mexico requested changing "they would" to "it would be necessary to" in the second paragraph on page 2. Monaco suggested that the word "matter" should be replaced by "document" in the first paragraph of the first page.

Summary record of the 11th session of Committee I (CoP15 Com. I Rec. 11)

Malaysia proposed replacing the second paragraph on page 2 of the English version with "Malaysia viewed the categorization of Malaysia as secondary level of concern in the illegal ivory trade by TRAFFIC seriously, as TRAFFIC did not provide any reliable statistics to substantiate the categorization. TRAFFIC reported that there had been a seizure of ivory in Viet Nam that had reportedly been imported into Viet Nam using Malaysia as a transit point."

The United States highlighted omission of "II" after "Appendix" in the final paragraph on page 4.

Japan referred to the sixth paragraph on page 2 and asked to amend the third sentence as follows: "Japan requested that Technical Advisory Group of MIKE reconsider the selection of MIKE sites to ensure the number of sites is reasonable, and suggested..."

The two summary records were adopted as amended.

Peru asked that the minutes record their objection to the paragraph under agenda item 57 on page 4 of summary record CoP15 Com. I Rec. 10 as they had presented the amendments to document CoP15 Com. I. 2 on behalf of the Central and South America and Caribbean region.

The meeting of Committee II closed at 16h35.